

**REMARKS/ARGUMENTS**

In this Amendment, Applicants have carefully reviewed the claims and amended them as appropriate to obviate the Examiner's rejections based on indefiniteness. In response to the Examiner's particular rejection and question with respect to the previously claimed "a predetermined communication protocol", Applicants have deleted this claim language and more-particularly claimed a Transmission Control Protocol/Internet Protocol (TCP/IP).

In the Office Action, the Examiner argues that para. 0101 of Klinker discloses Applicants' claimed comparing step recited in independent claim 1 and the nonconformity comparison determining portion of independent claim 6. Para. 0101 of Klinker discloses that the passive flow analyzer 630 generates the prefix list 634 and the new prefix notification signal 635, and generates aggregated flow data 680. The aggregated flow data 680 is communicated to the controller 605, so that the controller 605 determines whether the current traffic flow violates or fails to conform to the flow policy. Para. 0101 also discloses that the passive flow analyzer 630 stores the flow data 680 in the traffic repository.

In contrast, according to an aspect of the present invention, the comparing step recited in independent claim 1 and the nonconformity comparison determining portion recited in independent claim 6 have characteristics of "comparing the analysis result of the analyzing, the TCP connection information created by the creating, the normal information estimated by the estimating, and the nonconformity information stored by the storing to detect the transmitting and receiving control process where said nonconformity has occurred." Again, Applicants respectfully submit that para. 0101 of Klinker merely discloses determining of whether or not the current traffic flow violates or fails to conform to the flow policy. Therefore, Applicants respectfully submit that Klinker does not disclose or suggest these features of independent claims 1 and 6.

In addition, Applicants respectfully submit that Klinker does not disclose these features of independent claims 1 and 6 because Klinker is directed to the control of data routing and Applicants' invention is directed to discovery of a

**fault of TCP protocol.** Klinker and Applicants' invention are merely similar in that information is acquired from packets. However, in any techniques relating to network operation and network management, information must be acquired from packets.

Therefore, for at least this reason, Applicants respectfully submit that independent claims 1 and 6 are allowable over the cited references.

Further with respect to independent claims 1 and 6, the Examiner argues that Bass discloses at col. 2, lines 52-56, that in the cut-through mode, "the LAN switch analyzes the address information contained in a frame header, and immediately begins transferring data received from one LAN segment to the destination LAN segment as determined by the address information." However, in contrast, according to an aspect of the present invention, the characteristics of the packet receiving portion are related to internal operations of the automatic detecting apparatus and are not directed to the network operations. In addition, the packet receiving portion does not determine the destination based on the address information on a frame header in the cut-through mode, as disclosed in Bass.

Further, the Cut-Through/Store and Forward Decision Logic 306 shown in Fig. 3 of Bass is disclosed in col. 6, lines 1-33, in more detail. The cut-through/store-and-forward decision logic 306 is responsible for determining whether a frame can be forwarded by cut-through or by store-and-forward. When the protocol processing logic 304, which is in the upper stream of the cut-through/store-and-forward decision logic 306, has completed processing the frame, the cut-through/store-and-forward decision logic 306 forwards the frame to the transmit frame I/O logic 308, which is in the downstream of the cut-through/store-and-forward decision logic 306. In other words, the cut-through/store-and-forward decision logic 306 disclosed in Bass is not capable of operating without the protocol processing logic 304 or the transmit frame I/O logic 308. However, in order to further distinguish the present invention from Bass, claims 1 and 6 have been amended to include receiving at a network

interface a packet transmitted or received in the communication between the transmitting and receiving terminals to transfer the packet for data retention, if it is necessary to save the packet, and to transfer the packet for packet analysis, unless it is necessary to save the packet.

Therefore, for at least this additional reason, Applicants respectfully submit that amended independent claims 1 and 6 are allowable over Klinker and Bass.

Further with respect to this patent application, Applicants respectfully submit that the Examiner has still not provided an initialed copy of the Form 1449 filed with the Information Disclosure Statement filed in this application on October 15, 2007. Applicants respectfully request that the Examiner provide an initialed copy of the Form in the next communication from the Examiner to ensure that the cited references appear on the face of any patent to issue from the present application.

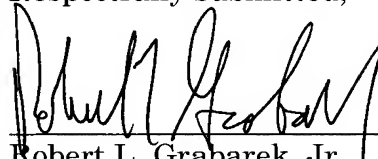
Applicants respectfully submit that the application is now in condition for allowance.

If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response. Please charge any such fee, any deficiency in fees, or credit any overpayments to Deposit Account No. 05-1323 (Docket No. 010755.52992US).

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Respectfully submitted,

  
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